
HOUSE BILL No. 1035

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-22-3-4.3; IC 36-9-25-3; IC 36-10-4-3; IC 36-10-4-3.1

Synopsis: Members of local boards and commissions. Changes the membership of certain appointed boards in Gary by: (1) providing that the airport authority has five members instead of four and requiring the mayor to appoint three members and the common council to appoint two members; (2) providing that the board of sanitary commissioners has seven members instead of three members and requiring the mayor to appoint three members, the common council to appoint three members, and the city engineer to be retained as the seventh member; and (3) providing that the board of park commissioners has seven members instead of four members and requiring the mayor to appoint four members and the common council to appoint three members.

Effective: July 1, 2001.

Smith V, Brown C

January 17, 2001, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1035

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-22-3-4.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 4.3. (a) This section applies only to the board of an**
4 **airport authority established in a city having a population of more**
5 **than one hundred ten thousand (110,000) but less than one**
6 **hundred twenty thousand (120,000).**

7 **(b) Notwithstanding section 4 of this chapter, the board of an**
8 **airport authority consists of five (5) members appointed as follows:**

9 **(1) The city executive shall appoint three (3) members.**

10 **(2) The common council shall appoint two (2) members.**

11 **Not more than two (2) members appointed under subdivision (1)**
12 **may be members of the same political party. The members**
13 **appointed under subdivision (2) may not be members of the same**
14 **political party.**

15 SECTION 2. IC 36-9-25-3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3. (a) A department of**
17 **public sanitation is established as an executive department of the**



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1 municipality.

2 (b) The department is under the control of a board of sanitary
3 commissioners, which is composed as follows:

4 (1) If the department is established under section 1(a) of this
5 chapter, the board consists of not less than three (3) but not more
6 than five (5) commissioners. All of the commissioners shall be
7 appointed by the municipal executive, unless one (1)
8 commissioner is the municipal engineer. Not more than two (2)
9 of the commissioners may be of the same political party, unless
10 the board consists of five (5) commissioners, in which case not
11 more than three (3) may be of the same political party.

12 (2) Notwithstanding subdivision (1), if the department is
13 established under section 1(a) of this chapter and the district
14 contains at least one (1) city having a population of less than one
15 hundred thousand (100,000) and at least one (1) town, the board
16 consists of one (1) commissioner from each municipality in the
17 district. The executive of each of those municipalities shall
18 appoint one (1) commissioner. If after all appointments are made
19 the board has fewer than five (5) commissioners, the executive of
20 the municipality with the largest population shall appoint the
21 number of additional commissioners needed to bring the total to
22 five (5). Not more than three (3) of the commissioners may be of
23 the same political party.

24 (3) If the department is established under section 1(b) of this
25 chapter, the board consists of three (3) commissioners. Two (2)
26 commissioners shall be appointed by the city executive and one
27 (1) commissioner is the city civil engineer. However, if the
28 department is located in a county having a population of:

29 (A) more than one hundred thousand (100,000) but less than
30 one hundred seven thousand (107,000);

31 (B) more than one hundred seven thousand (107,000) but less
32 than one hundred eight thousand (108,000);

33 (C) more than one hundred twenty-nine thousand (129,000)
34 but less than one hundred thirty thousand six hundred
35 (130,600); or

36 (D) more than one hundred thirty thousand six hundred
37 (130,600) but less than one hundred fifty thousand (150,000);

38 and the city does not have a city civil engineer, the third
39 commissioner shall also be appointed by the executive. The third
40 commissioner, however, must be a licensed engineer with at least
41 five (5) years experience in civil or sanitary engineering. In
42 addition, in such a city the commissioners may not hold another

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public office. Not more than two (2) of the commissioners may be of the same political party.

(4) If the department is established under section 1(a) of this chapter in a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), the board is constituted as follows:

(A) Three (3) members appointed by the city executive.

(B) Three (3) members appointed by the common council.

(C) The city civil engineer.

Not more than two (2) members appointed under clause (A) may be members of the same political party, and not more than two (2) members appointed under clause (B) may be members of the same political party.

(c) Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the municipal clerk.

(d) Each commissioner shall also execute a bond in the penal sum of five thousand dollars (\$5,000) payable to the state and conditioned upon the faithful performance of the commissioner's duties and the faithful accounting for all money and property that comes under the commissioner's control. The bond must be approved by the municipal executive.

(e) The appointed commissioners are entitled to a salary of not less than three thousand six hundred dollars (\$3,600) a year during actual construction and not less than six hundred dollars (\$600) a year in other years.

(f) Notwithstanding IC 36-1-8-10, whenever this section requires that the membership of the board of sanitary commissioners not exceed a stated number of members from the same political party, at the time of appointment the appointee must:

(1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or

(2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as a member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides.

SECTION 3. IC 36-10-4-3 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A department of public parks is established as an executive department of the city.

(b) The department is under the control of a board of park commissioners. **Except as provided in section 3.1 of this chapter**, the board consists of four (4) commissioners appointed by the city executive. Each commissioner must be a freeholder residing in the city, and no more than two (2) commissioners may have the same political affiliation.

(c) A second class city may, with the approval of the executive and legislative body, pay each commissioner an annual salary not to exceed six hundred dollars (\$600). The commissioners shall be paid their actual expenses upon approval by the city executive.

(d) Before beginning his duties each commissioner shall take and subscribe the usual oath of office. The oath shall be indorsed upon the certificate of appointment and filed with the city clerk. If a commissioner has not filed his oath:

- (1) within thirty (30) days after the beginning of his term; or
- (2) by the date of his appointment if he was appointed after the beginning of the term;

he is considered to have refused to serve and the office becomes vacant.

SECTION 4. IC 36-10-4-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.1. (a) This section applies only to the board of park commissioners established in a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).**

(b) The board of park commissioners consists of seven (7) members appointed as follows:

- (1) The city executive shall appoint four (4) members.**
- (2) The common council shall appoint three (3) members.**

Not more than two (2) members appointed under subdivision (1) may be members of the same political party, and not more than two (2) members appointed under subdivision (2) may be members of the same political party.

SECTION 5. [EFFECTIVE JULY 1, 2001] **(a) After June 30, 2001, the city executive shall appoint one (1) member to the airport authority board under IC 8-22-3-4.3, as added by this act.**

(b) Notwithstanding IC 8-22-3-4.3, as added by this act, each member of an airport authority appointed before July 1, 2001, shall serve the remainder of the member's unexpired term. As the terms of the members appointed before July 1, 2001, expire, the

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vacancies shall be filled in the following order:

(1) One (1) member appointed by the common council.

(2) One (1) member appointed by the city executive.

(3) One (1) member appointed by the common council.

(4) One (1) member appointed by the city executive.

(c) This SECTION expires January 1, 2006.

SECTION 6. [EFFECTIVE JULY 1, 2001] (a) After June 30, 2001, the following members shall be appointed to the board of sanitary commissioners under IC 36-9-25-3, as amended by this act:

(1) Two (2) members appointed by the city executive.

(2) Two (2) members appointed by the common council.

(b) Notwithstanding IC 36-9-25-3, as amended by this act, each member of the board of sanitary commissioners appointed before July 1, 2001, shall serve the remainder of the member's unexpired term. As the terms of the members appointed before July 1, 2001, expire, the vacancies shall be filled in the following order:

(1) One (1) member appointed by the city executive.

(2) One (1) member appointed by the common council.

(c) This SECTION expires January 1, 2006.

SECTION 7. [EFFECTIVE JULY 1, 2001] (a) After June 30, 2001, the following members shall be appointed to the board of park commissioners under IC 36-10-4-3.1, as added by this act:

(1) Two (2) members appointed by the city executive.

(2) One (1) member appointed by the common council.

(b) Notwithstanding IC 36-10-4-3.1, as added by this act, each member of the board of park commissioners appointed before July 1, 2001, shall serve the remainder of the member's unexpired term. As the terms of the members appointed before July 1, 2001, expire, the vacancies shall be filled in the following order:

(1) One (1) member appointed by the city executive.

(2) One (1) member appointed by the common council.

(3) One (1) member appointed by the city executive.

(4) One (1) member appointed by the common council.

(c) This SECTION expires January 1, 2006.

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